

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

NATIONAL URBAN LEAGUE, on behalf of itself and its members; COMMON CAUSE, on behalf of itself and its members; LEAGUE OF WOMEN VOTERS OF THE UNITED STATES, on behalf of itself and its members,

Plaintiffs,

vs.

LOUIS DEJOY, in his official capacity as Postmaster General; and the UNITED STATES POSTAL SERVICE,

Defendants.

No. 1:20-cv-2391

**MOTION FOR PRELIMINARY INJUNCTION
OR, IN THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 65, or, in the alternative, Federal Rule of Civil Procedure 56, Plaintiffs hereby move the Court for a preliminary or permanent injunction enjoining Defendants Louis DeJoy, Postmaster General of the United States, and the United States Postal Service, together with any officers, agents, and employees thereof (“Defendants”), from taking any actions, anywhere within the United States, that interfere with the timely delivery of Election Mail¹ including by modifying truck, delivery, or sorting schedules, restricting overtime, removing collection boxes, removing sorting machines, or deprioritizing election mail.

¹ “Election Mail” includes any item mailed to or from authorized election officials that enables citizens to participate in the voting process, including but not limited to ballot requests, ballots, voter registration cards, absentee voting applications, and polling place notifications.

Plaintiffs also move the Court for a preliminary or permanent injunction enjoining Defendants to postmark and deliver Election Mail sent anywhere within the United States at least as fast as or faster than the standards for First-Class Mail delivery set forth in 39 C.F.R. § 121.1 for the period beginning on October 13, 2020, and ending on November 3, 2020 (*i.e.*, the 21-day period preceding the November 3 elections).

Plaintiffs further request that the Court order Defendants to provide a copy of its order granting the injunction to all Postal Service employees in paper or electronic format to ensure that all Postal Service employees are aware of the Postal Service's obligation to meet its traditional delivery standards for Election Mail in the upcoming election.

Plaintiffs also request that the Court order Defendants to provide weekly updates to the Plaintiffs concerning implementation of the Court's order.

Plaintiffs' counsel has conferred with Defendants' counsel and Defendants' counsel advised that Defendants do not consent to this relief. This injunction is warranted to prevent further irreparable harm to Plaintiffs from Defendants' unlawful and unconstitutional conduct. Plaintiffs rely on the accompanying memorandum of law in support of this motion; the declarations and exhibits attached thereto; the pleadings and papers on file in this action; the arguments in support proffered by any *amici* in this action; and any argument and evidence that is presented at any hearing in this matter.

Pursuant to Local Rule 105.6, Plaintiffs respectfully request a hearing on this motion.

Dated: September 24, 2020

**LAWYERS' COMMITTEE FOR CIVIL
RIGHTS UNDER LAW**

Kristen Clarke**
Jon M. Greenbaum*
Ezra D. Rosenberg**
Bradley S. Phillips**
Ajay Saini**
Ryan Snow**
Lawyers' Committee for
Civil Rights Under Law
1500 K Street NW
Washington, DC 20001
jgreenbaum@lawyerscommittee.org
erosenberg@lawyerscommittee.org
bphillips@lawyerscommittee.org
asaini@lawyerscommittee.org
rsnow@lawyerscommittee.org

Respectfully submitted,

**ARNOLD & PORTER
KAYE SCHOLER LLP**

/s/ Kenneth L. Chernof

Kenneth L. Chernof (Bar No. 17195)
John A. Freedman (Bar No. 20276)
Allon Kedem*
Andrew Tutt*
Daniel Jacobson**
Lindsey D. Carson*
Stephen K. Wirth*
Kaitlin Konkel (Bar No. 20001)
Graham W. White**
Leslie C. Bailey*
Catherine McCarthy*
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Avenue NW
Washington, DC 20001-3743
(202) 942-5000
ken.chernof@arnoldporter.com

Douglas A. Winthrop*
Benjamin T. Halbig*
Arnold & Porter Kaye Scholer LLP
Three Embarcadero Center - 10th Floor
San Francisco, CA 94111-4024
douglas.winthrop@arnoldporter.com

*Counsel for Plaintiffs National Urban League, Common Cause, and
League of Women Voters of the United States*

* *Pro hac vice*

** *Pro hac vice* application forthcoming

CERTIFICATE OF SERVICE

I hereby certify that this document will be served on Defendants in accordance with Fed. R. Civ. P. 4. Plaintiffs certify that a courtesy copy of this motion and its accompanying documents will immediately be sent to the Court.

/s/ *Kenneth L. Chernof*

Kenneth L. Chernof
601 Massachusetts Ave., NW
Washington, D.C., 20001
T: (202) 942-5000
ken.chernof@arnoldporter.com